

REMARKS

Claims 25-37 and 39-41 are pending in the present application. By this Amendment, claim 37 is amended solely for the purposes of clarity and precision and to overcome the Examiner's indefiniteness rejection, and the amendment is thus not believed to be narrowing or raise new issues requiring additional search and/or consideration. Applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

I. Claim 37 is in proper condition

Claim 37 stand rejected under 35 U.S.C. § 112, 2nd paragraph due to alleged indefiniteness. As shown in the foregoing amendments, claim 37 has been amended. Therefore, Applicant respectfully requests withdrawal of the rejection of claim 37 under 35 U.S.C. § 112, 2nd paragraph.

II. Claims 37 and 39-41 are novel

Claims 37 and 39-41 stand rejected due to alleged anticipation under 35 U.S.C. § 102(b) over McCole (U.S. Patent No. 4,312,939). Applicant respectfully submits that McCole fails to disclose all of the claimed features, as required for an anticipation rejection under §102. For at least the reasons herein, Applicant respectfully requests withdrawal of the rejection, and allowance of the claims.

In the present invention, the continuous member is fed a predetermined pitch interval at a time before and after a free loop, and the pitch before the loop is different from the pitch after the loop. Further, the member is fed one pitch at a time on one hand, and the member is fed a plurality of pitches at a time on the other hand.

One of the objects of the presently claimed invention in providing the free loop is to cancel the difference in feeding pitches. Another object of the free loop is to position the continuous member before and after the loop independently. That is, the member is positioned before the loop separately from the positioned member after the loop.

McCole discloses a photographic product and process of making the same. As previously noted, Figure 1 of McCole is substantially similar to related art Figure 11 of the present application. Accordingly, Applicant respectfully submits that McCole does not disclose or suggest feeding a plurality of pitches at a time to a bonding station. While the Examiner has directed Applicant to column 4, lines 9-14 of McCole, Applicant has not found any disclosure of feeding a plurality of pitches at a time to a bonding station in the cited passage.

Applicant respectfully submits that McCole fails to disclose all of the claimed combinations of features recited in claims 37 and 39-41. For example, but not by way of limitation, Applicant respectfully submits that McCole fails to disclose or suggest that the first through third members are fed a plurality of pitches at a time at least at said bonding station, as recited in independent claim 37. Applicant submits that McCole does not disclose the aforementioned claimed feature, and as a result, suffers the related art problems disclosed at application pages 2-4.

Applicant also notes that McCole fails to disclose or suggest three sheets cut together after being bonded to each other, as recited in independent claim 37.

Claims 39-41 depend from independent claim 37. Applicant respectfully submits that the dependent claims are allowable for at least the same reasons as the independent claim from

which they depend. Additionally, Applicant respectfully submits that McCole fails to disclose (or even suggest) a beveling station for beveling corners of said instant photography film unit, as recited in dependent claim 39, according to “beveling” as would have been understood by one of ordinary skill in the art at the time of the invention. Applicant respectfully disagrees with the Examiner’s interpretation of reference character 25 (i.e., perimeter sealing station) of McCole as a beveling station. Applicant respectfully submits that one skilled in the art would not have characterized a perimeter sealing station as a beveling station. Thus, Applicant respectfully requests withdrawal of the §102 rejection, and allowance of the claims.

III. Claims 25-29 and 30-36 would not have been obvious

Claims 25-29 stand rejected due to alleged obviousness under 35 U.S.C. § 103(a) over McCole in view of Arima (U.S. Patent No. 4,944,503) and claims 30-36 stand rejected under 35 U.S.C. § 103(a) over McCole in view of Karaki et al. (U.S. Patent No. 6,317,951 B1, hereafter “Karaki”). Applicant respectfully submits that the Examiner’s proposed combinations of references fail to disclose or suggest all of the claimed combinations of features, as required for prima facie obviousness rejection. For at least the reasons herein, Applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

A. Claims 25-29

Figure 1 of Arima discloses a web cutting means 2 that cuts a product into sheets, which are conveyed by a product sheet conveyance means 3, and stacks them on top of one another at a stacking station. In Figure 3 of Arima, division sheets 10 are positioned between the stacks 9 of sheets. The Examiner has stated that column 1, lines 14-19 of Arima discloses packaging sheets

cut into continuous length. However, Applicant respectfully submits that in the absence of the specification supporting the presently claimed invention, Arima does not disclose a packaging station, where stacked film units are automatically housed into a film pack.

Applicant respectfully submits that the Examiner's proposed combination of references fails to disclose or suggest all of the claimed combination of features. For example, but not by way of limitation, Applicant respectfully submits that the Examiner's proposed combination of McCole and Arima fails to disclose or suggest a packaging station for automatically housing the stacked instant photography film units into a film pack, as recited in independent claim 25. As acknowledged by the Examiner, McCole fails to disclose or suggest this feature.

Applicant respectfully submits that the proposed combination of Arima into McCole fails to cure at least this admitted deficiency of McCole. For example, but not by way of limitation, Applicant respectfully submits that Arima does not disclose any packaging station, or automatically housing the stacked film units into a film pack, as recited in independent claim 25. Applicant respectfully submits that the division sheets 10 are merely dividers between stacks of sheets, and cannot be properly construed as placing film units into a film pack, as recited in independent claim 25, because they do not disclose, teach or suggest the recited structure of the film pack.

Further, Applicant respectfully submits that one of ordinary skill in the art would not have been motivated to combine Arima and McCole to produce the claimed combination of features. As noted above, neither reference, individually or applied to together, discloses or suggests a packaging station where stacked film units are automatically housed into a film pack,

as recited in claim 25. Applicant respectfully submits that only the presently claimed invention provides sufficient motivation for one skilled in the art to combine and/or modify the references to produce the claimed combinations of features. Applicant respectfully submits that without impermissible hindsight reconstruction based on the present application, one skilled in the art would not have been motivated to produce the claimed features. Thus, Applicant submits that the combination is improper, and requests withdrawal thereof.

Claims 26-29 depend from independent claim 25. Applicant respectfully submits that dependent claims 26-29 are allowable for at least the same reasons as discussed above with respect to independent claim 25. Thus, Applicant respectfully requests withdrawal of the rejections, and allowance of the claims.

B. Claims 30-36

As previously noted by Applicant, Karaki should be disqualified as a reference due to the common ownership between Karaki and the present application. In the present Office Action, the Examiner states that proper evidence has not been submitted. Applicant thanks the Examiner for clarifying this issue in the telephone interview with Applicant's representatives on December 9, 2002, the contents of which is incorporated herein.

Applicant believes that the requirements have been met under the MPEP § 706.02(l), Applicant submits herewith additional evidence supporting removal of Karaki as a withdrawing reference. Applicant refers the Examiner to MPEP § 706.02(l), Section II, which states that a statement such as "Application X and Patent A were, at the time the invention of Application X was made, owned by Company Z" alone is sufficient evidence to disqualify Patent A from being

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used in a rejection under 35 U.S.C. § 103(a) against the claims of Application X. Applicant submits that the foregoing requirements were clearly met in Applicant's July 2, 2002 response.

However, in an effort to expedite prosecution of this application, Applicant submits Assignment information associated with the Karaki reference in the attached Appendix. Applicant notes that the requirements of 35 U.S.C. § 103(c) have been met. For example, but not by way of limitation, Applicant respectfully submits that Karaki is only available as prior art under 35 U.S.C. § 102(e) in a §103(a) rejection, and that the present invention has a filing date of July 2, 2001 (based on a parent application filed on June 30, 2000, with U.S. Application No. 09/609,245, now U.S. Patent No. 6,287,744), which is after November 29, 1999. Thus, the present application qualifies for the application of 35 U.S.C. § 103(c).

The Karaki reference (U.S. Serial No. 09/163,912) was filed on October 1, 1998, and the U.S. Patent and Trademark Office previously recorded the Assignment to Fuji Photo Film Co., Ltd. as of October 1, 1998, on Reel 9496 at Frame 803. Correspondingly, in the present application, the Assignment was recorded the Assignment to Fuji Photo Film Co., Ltd. as of June 30, 2000, on Reel 10939 at Frame 0932, in the parent of the present Divisional application (i.e., U.S. Application No. 09/609,245 and U.S. Patent No. 6,287,744). Copies of assignments and their respective recordation information is attached herewith in the Appendix.

If evidence in addition to the submitted attachments is required, Applicant kindly requests that the Examiner contact the undersigned by telephone prior to issuing the next Office Action, so that the Karaki reference can be properly removed under 35 U.S.C. § 103(c).

Additionally, Applicant respectfully submits that the published foreign priority documents upon which Karaki is based, JP 9-270153, 9-272861 and 9-298291, which were published on April 20, April 23 and May 21, and 1999, respectively, do not disclose or suggest all of the claimed combinations of features, either alone or in combination with each other or McCole.

For example, but not by way of limitation, in Karaki, the film is fed continuously before the free loop, and is fed a predetermined pitch interval at a time after the free loop. The film is loosened in the shape of a loop, and the film is perforated or cut on the side where the film is fed a predetermined pitch interval at a time. In Karaki, the object of providing a free loop is to gain some time for the perforation or cutting operation. Thus, Applicant respectfully submits that the Karaki, in combination with the other references proposed by the Examiner, fails to disclose or suggest all of the claimed combinations of features.

Further, Applicant respectfully submits that one skilled in the art would not have been motivated to combine the references to produce the claimed combinations of features, and that such a combination would constitute impermissible hindsight reconstruction. Therefore, Applicant respectfully requests allowance of the claims 30-36.

IV. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



Mainak H. Mehta
Registration No. 46,924

SUGHRUE MION, PLLC
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

WASHINGTON OFFICE



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PATENT TRADEMARK OFFICE

Date: February 4, 2003



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APPENDIX
VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

The claims are amended as follows:

37. (Twice amended) An apparatus for manufacturing an instant photography film unit which comprises a mask sheet having an image frame and two sheets, one of which has a photosensitive layer, superposed and bonded to each other, and a pod storing a developing solution and disposed on the sheets in a predetermined position, the arrangement being such that the developing solution supplied from the pod extends between said two sheets to form an image, said apparatus comprising:

a component supply station for supplying said mask sheet and said two sheets;

a bonding station for bonding said mask sheet and said two sheets in a laminated state, with at least one of said mask sheet and said two sheets comprising a continuous member;

a cutting station for cutting said continuous member to a predetermined length for thereby producing a self-developing instant photography film unit; and

a component supply station for simultaneously supplying at least one of a plurality of pods storing a developing solution and a trap for trapping an excessive developing solution to a marginal side edge of said image frame, wherein said component supply station comprises means for supplying said mask sheet and said two sheets as first through third continuous members, the arrangement being such that said first through third continuous members are cut together after being bonded to each other, and wherein said first through third continuous members are fed a plurality of pitches at a time at least at said bonding station.